

## MURRAY HELD FOR CIRCUIT COURT

Story of Killing of Aged Porto Rican Told Again by the Accused Supervisor.

(From Thursday's Advertiser)

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The court regards this as a very grave matter. It knows the seriousness of this case, but it is not in the position of a trial jury to pass upon the guilt or innocence of the defendant. The court is of the opinion that upon the evidence adduced before it there is reason and a probable cause to find the defendant guilty of manslaughter, the offense upon which he is before the court charged. The court therefore commits you to the first circuit court of the first judicial district for trial, provided the grand jury finds an indictment against you. — Police Magistrate Monarrat's decision in the case of the Territory vs. Harry E. Murray.

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Supervisor Harry Murray, chairman of the police committee, was yesterday committed to the circuit court for trial on the charge of manslaughter. It is now up to the grand jury to decide whether he shall be indicted for the crime of manslaughter. At the conclusion of the hearing of the testimony of the witnesses for the defense yesterday afternoon, and after listening to a long argument by E. C. Peters, defendant's counsel, and a brief argument by City Attorney Cathcart, the prosecuting officer, the police magistrate was of the opinion that there was sufficient evidence of guilt to hold Murray for a jury.

The city attorney dwelt mainly upon the charges on which the law could hold a man for manslaughter. He held it must be shown that gross carelessness or lack of proper precautions to avoid injury had been displayed. He stated that the police magistrate had heard the case and it was incumbent upon him to determine whether or not Murray could be held to await the action of the grand jury.

Four Gin Riqueys Not a Jag.  
Every witness placed upon the stand by the defense stated that Murray was perfectly sober and did not appear to have taken a drink. Murray himself testified that he was perfectly sober, not having taken a drink all day until about eleven o'clock. Then between eleven and twelve or just before leaving in the auto on the ride that proved fatal to old Timoteo Hernandez, the aged and crippled Porto Rican, for whose death Murray is now held to account, Murray took four gin riqueys. He insisted that he was perfectly sober when he left the Union Grill for Buckle's luan.

"About eleven o'clock I had taken intoxicating liquor," said Murray yesterday. At the outside I did not take more than four drinks. The last one was a New Year's drink. They were gin riqueys. They did not affect me in the least."

For some reason, not explained by Mr. Murray on cross or direct examination, he had slept in a room at the Young Hotel nearly all day Sunday, from eleven o'clock in the forenoon until about ten o'clock that night, rising then and going to the Union Grill for dinner. After that he went up to the Elks Club, where he joined a number of friends. He was not registered at the Young, and it was probably in the room of a friend that he stayed.

When he went to the Elks' Club he met a number of friends. They ordered drinks but few came as the waiter was busy in the buffet room and the service was very slow. All the witnesses who were in the party that night testified that fewer drinks were drunk than ordered as there was but one "boy" to fill the orders.

Would Rather Have Driven.  
Murray, when telling of the ride in the auto, said that he cautioned the driver not to drive fast. He added that Bolin, the chauffeur, was driving recklessly although the chauffeur's testimony was that the auto was going only at sixteen miles an hour on River street at the time Murray thrust his arm out of the machine and toppled Hernandez over. "I told him," said Murray on the witness stand, "that if anybody was to drive that fast I wanted to drive myself."

Under the guidance of his attorney Murray gave a detailed story of the turning of the auto from Kukui into River street and how the searchlights picked out a man walking across the street about fifty or sixty feet in advance of the car. The supervisor said the car was on the right hand side of the street, and that when within a few feet of the man the driver averted his machine considerably to the right. Murray said he thought the man would be struck by the radiator, and for that reason he braced himself, rose, placed his left foot on the running board and his right hand on the windshield, and thrust his left hand out in order to catch the man "if he fell" by being knocked down by the auto.

Man Struck My Arm.  
When the car reached Hernandez the man struck my arm," Murray proceeded. "I had no other idea but that the man had just fallen down. My arm was thrown back, like this," and the witness showed how his arm had swung back. "I did not think my arm had struck enough to do any harm, so I sat down in the seat again."

Murray stated that the car had gone about a hundred yards when he said that he thought the man was hurt, but the only response he got from the car came from some one in the back seat. "He is not hurt, he is only felled," let him go, he's all right." Then the party went on to Buckle's.

## DECRETA ORDER ISSUED BY JUDGE

Davis Arraigned—Divorces and Other Matters of Slight Importance Heard.

(From Thursday's Advertiser)

Judge Robinson in circuit court yesterday made a decretal order in the case of Robert William Helt versus Harry Arrington to the effect that all matters in dispute and all moneys paid by either party to the other should be referred to M. T. Simonton as master. Mr. Simonton is empowered to take testimony, administer oaths and examine witnesses.

When he concludes his investigations of the case he will report to Judge Robinson, according to the order, whatever balance is due to either party.

Case Nonsuited.  
In the case of H. Waterhouse Trust Company versus John D. Paris for the recovery of a bond of \$3079.11, which came up before the jury in Judge Cooper's court yesterday morning, a nonsuit was entered on motion of the defense.

Henry C. Hapai versus Mary K. Robinson, bill for accounting, was continued until January 16 for argument on demurrer.

Davis Arraigned.  
In the criminal court before Judge Robinson, Phoebe Davis was arraigned on four indictments, three for illegal selling of liquor and one for keeping a disorderly house. His case was continued one week for plea.

Attorney Leon Straus, who appeared for Davis, had an order of the court made that he might see the prisoner, as Davis is being held by federal authorities on several counts and without such order Straus thought he might be denied admission to his client.

On account of setting cases on the criminal calendar next Monday the petty jury is being notified not to come into court on that day, and that each member will be notified when he is to appear at some future date.

Divorces Granted.  
Three divorces were granted by Judge Whitney at the session of court yesterday. Lily Lyett received her decree from W. B. Lyett on the ground of non-support, and Julia Morienese was granted divorce from her husband Henry on the ground of cruelty. Sakuzo Omoto received a decree from his wife Yukio on statutory grounds.

Suit has been brought by Maurice R. Carey of San Francisco against Hawaiian Lumber Mills, Limited, for the payment of an execution of \$8718.87 granted several months ago but on which nothing has been received.

The jury commissioners have been notified by the court that the correct names of two jurymen, who were excused from duty as their names were wrong, are A. Henry Afong, and Ernest C. Winston.

It will be quiet in the circuit courts for the remainder of the week there being but a few minor cases on the calendar.

At the close of a banquet given by the local traveling salesmen in Sacramento, Mayer Beard was stricken with paralysis, his right leg and arm being affected.

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Murray was directed to the driving of the car.

Made no Report.  
"One reason I did not believe the man was hurt was because he had not been hit by the car," said Murray. In his direct testimony he said the car had brushed the man. In cross-examination he said the car did not hit him. On arriving at the Buckle place Murray told Bolin to go back and see if the man was hurt. Bolin did so and returned, called him out of the house and told him the man was dead. "I said," continued the witness, "let's fix this quiet. I will tend to it and fix it up so we won't get any notoriety."

He denied after saying this, that he would strike Bolin if the latter mentioned the affair.

"How long after the affair was it before you went to the police station?" inquired City Attorney Cathcart.

"About an hour and a half, maybe two hours," was Murray's reply.

"When was the first explanation made by you," inquired Judge Monarrat.

"I told it first to McNeill, the next evening—Monday evening."

"You stated you said to Bolin to keep it quiet and I will go down and fix the matter up."

## KAU DITCH WILL BE BENEFIT TO THE WHOLE TERRITORY

Says Committee Which Recommends Bill for Passage.

Although Delegate Kalaniana'ole at one time during the hearing of the Kau Ditch Bill before the house committee on Territories suggested an amendment, the bill was reported favorably and passed in the local legislature and has been referred to the committee of the whole. Mr. McClellan appeared as the sponsor of the bill before the committee and argued its advantages, to Hawaii, while John T. McCrosson was also before the committee to explain just what he wanted. The committee had hearings on the bill on December 8, 9, and 13, the Delegate attending each session as a member of the committee.

On the last date, just as the committee was about to rise, the Delegate said:

"Mr. Chairman, I would like to say just a few words. I introduced a bill last year bearing upon the construction of irrigation ditches in Hawaii, but it was a general bill, applying to the Territory at large, and not restricted, as is the present bill, to a particular locality and a particular scope and object. Upon consideration in committee I felt compelled to withdraw that bill."

"Owing to my own opposition and that of others to the former bill, the legislature of Hawaii has taken up the matter and has sanctioned and advised the passage of the present bill. This bill has my approval, largely because it is a plan directed to one locality of one of our islands and seeks the reclamation of large tracts of land at present unfit for the higher purposes of agriculture because of the lack of water to bring crops to perfection. I am therefore willing that it should pass and that the experiment which it involves may be tried out in that particular locality."

"But I would like the committee to be entirely sure that it contains nothing prejudicial to the rights of homesteaders. The matter of homesteading the public lands of Hawaii is one of great and vital importance to the welfare of the Territory, and I would be unwilling that any provision should be included in this or in any bill which might possibly operate to the prejudice of homesteaders. To that end I would like an opportunity to further study the bill before it is reported, and to scrutinize it more closely than I have thus far been able to do, with a view to determine whether any of its provisions might bear injuriously upon the rights of homesteaders."

"I would like to offer the following amendment, to insure a full supply of water for homesteaders:

After line 3, page 6, insert: "Provided further, That the ditch company shall furnish to the lands withdrawn for the purposes aforesaid the same proportionate quantity of water per acre as is contracted for by the larger leaseholders under this project, and at the same rates, if the homesteader, or other person holding the beneficial use of the lands so withdrawn, desires to contract for the same."

Report of the Committee.  
The report of the committee, which was adopted by the house, was:

"The Committee on the Territories, to whom was referred the bill (H. R. 11028) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, having had the same under consideration, reports it back with amendments and with the recommendation that the bill as amended do pass."

"This bill, as submitted to your committee, was a verbatim copy of an act passed by the Hawaiian Legislature in April, 1911, with only one dissenting vote. A certified copy of the act was published on pages 1251-1252 of the Congressional Record of May 16, 1911."

"The bill authorizes the construction of an irrigation ditch, with reservoirs and accessories, to impound waters, now wasted, in the easterly or westerly section of the island of Hawaii, and to convey the same a total distance of about 100 miles for the reclamation and development of arid and semiarid lands in the southern part of that island, which lands are designated on the Government map as the "Kau Desert."

"The ditch is required by the bill to have a minimum capacity of 100,000,000 gallons of water per day, is expected to irrigate, approximately, 15,000 acres of land, and is estimated to cost \$3,250,000. No Government subsidy or guaranty of securities is asked for."

"The rights and activities of the company are, by sections 1, 2, and 3, limited to the construction and operation of an irrigation system. The company is not authorized to carry on agricultural operations, and its right to acquire and hold land (sec. 3) is limited to such land as is "necessary, convenient, or proper" for reservoir sites, rights of way, and similar requirements of a ditch system, as specified in section 1."

"The right of eminent domain, conferred in section 4, is properly limited to the direct needs and requirements of the irrigation system."

"Instead of having the arid Government lands sold for a nominal sum to those who will reclaim and cultivate them, as is done under the Carey Act projects in the West, this bill provides in section 6, that certain Government lands, comprising a part of the so-called Kau Desert, but capable of reclamation, shall be leased to the ditch company for a term of 50 years at an annual rental of \$1 per acre."

"Under this plan the Territory will not only receive \$50 per acre in rental during the franchise term for lands which are now almost wholly unproductive, but also a much larger amount of increased taxation on the land, improvements, and the houses."



JOHN T. MCCROSSON,  
Who wins first round in his fight for passage of Kau Ditch Bill in congress.

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produced; and at the end of the term the Territory will regain full possession of its lands, which it is estimated will then be worth, approximately, \$125 per acre, instead of an average value of less than \$5 per acre, based on the present rental rate and use."

"Section 6 of the bill provides that the Government may withdraw 30 per cent. of these lands for homesteading or other public use after the irrigation plant is in operation; it also secures to the users of such lands so withdrawn, whether for homesteading or other public purposes, the right to contract for the pro rata portion of water to which such lands are entitled."

"This makes available for homesteading nearly one-third of a tract of 15,000 acres, of which, due to its arid condition, only about 5 per cent. is at the present time available for cultivation. The great cost of building these irrigation works makes it impossible for any group of homesteaders to secure their construction. The Federal Government will not undertake the work, and the Territory of Hawaii is neither disposed nor able to do so."

"The Territorial legislature, after careful consideration, and with only one dissenting vote, recommended this bill to Congress as embodying the only feasible plan for making use of these wasted resources and for making one-third of the area immediately available for homesteaders. Ultimately the entire tract, with a permanent water supply, will become available for that or any other public use."

"This long term lease is found necessary not only to finance the construction of the ditch, but also to enlist the aid of capital necessary to insure the development of the land, and thus provide a certainty of water consumption."

"Section 10 and 11 contain stringent provisions for the forfeiture of this franchise and the reversion of the company's property to the Territory in case the ditch company fail to conform to the requirements of this bill."

"The Legislature of Hawaii has provided in section 13 that the ditch company and its property shall be exempt from taxation during the first 10 years of its franchise term, in order to carry it through the unremunerative period of construction and incomplete operation incident to the opening of new land."

"The Hawaiian Government, from time to time, during the past 20 years, followed this same policy for encouraging the construction of railroads and for developing various new industries. The benefits to the Territory in permanent and greatly increased sources of taxation, following the expiration period, have been such as to convince the people of Hawaii and the legislature that it is, under their conditions, a sound, long distance business policy for the Territory."

"Believing that the people of Hawaii are best able to decide this question of policy for themselves, your committee have made no change in this section."

"The regulation and adjustment of water rates is very fully covered in sections 14, 15, and 16 of this bill, including a definite basis for the reduction of water rates whenever the income of the ditch company exceeds a fixed return on its investment; this return on the investment your committee believes to be most reasonable and fair. These provisions are further reinforced by section 17, which gives full publicity to all the financial affairs of the company, and will enable both the Territory and the users of water to know whenever the income of the ditch company would justify a reduction in rates."

"Section 18 provides that at the end of the 50-year term the ownership of the ditch, with its entire plant and appurtenances, shall pass to the Territory, without any payment, and free of all lines and charges whatsoever."

"Section 19 gives the Territory of Hawaii the right to purchase at any time after 10 years from date of completion of the ditch and plant at its exact cost plus 50 per cent. The margin above actual cost allowed to the ditch company, in case their property is taken over, appears to be a moderate one in view of the financial risks of the work and the unproductive period of its construction and early operation."

"Inasmuch as Congress has heretofore refused to extend the benefits of the reclamation act to Hawaii, the people of that Territory should be given every reasonable opportunity to develop their water resources and reclaim arid lands by the aid of private capital. Your committee believe that this bill will effect a material development of unused natural resources, make possible more homesteading of public lands, and increase greatly the taxation and land income of the Territory of Hawaii, and at the end of the franchise the Territory will receive in fee

## CRONWELL MAKES CIGAR STUDIES

Manila Internal Revenue Collector Finds Ideal Conditions Here.

"I have made a study of conditions governing the Manila tobacco business in the United States, and I have many suggestions to take back to the Philippines which will help out the manufacturers in their business relations with dealers in the homeland. Many things I have learned will be brought to the attention of the large manufacturing concerns of Manila, and will undoubtedly result in much good," said Capt. Ellis Cronwell, collector of internal revenue of the Philippines, Tuesday on the steamer Manchuria.

Mr. Cronwell holds a position which enables him to do much for the tobacco manufacturers of the islands, as well as the tobacco dealers of the United States. The collector of internal revenue prescribes the rules under which cigars shall be made for the American market, and also fixes the amount of each class which shall be exported to the home country each year.

Cigars Graded.  
The cigars from all factories are divided into classes according to grade and price, and only so many hundred thousand are allowed shipped of each. All cigar shipments have to go through the bureau of internal revenue where the United States internal revenue stamps are affixed. Thus the shipments go right to their destinations on the mainland without being held up by customs or internal revenue officers when they reach a port of the United States.

When free trade, up to a certain limit, went into effect as to cigars under the Payne bill, the manufacturers of the Philippines rushed a lot of inferior cigars, that is of the cheaper qualities, into the country, being abetted in this by the manufacturers in the United States who wanted to spoil the smokers' tastes for the Manila product. As soon as the results of this move were known, the bureau of internal revenue in the islands, under orders from the governor-general, prescribed regulations for the shipment of cigars and named the amount of each kind that could leave the islands for the home market.

Rigid Inspection.  
Inspectors of the bureau are stationed in each factory to see that the tobacco used is up to standard and that the cigars themselves are up to the standard set for shipment out of the country. The American officials believe that trade should be stimulated by the right kind of products, and so this drastic action was taken in regard to the cigars shipped to the United States.

"I have found," said Captain Cronwell, "that in the United States, especially in the East, there is trouble in keeping the Manila cigars in proper temperature and moisture to have them retain their flavor and their texture. In all places the dealers seem unable to keep them in a place moist enough to prevent their drying and cracking open after they have been in stock a few months."

Gunst Conditions Fine.  
"Here in Honolulu I found different conditions today. In the cellar of a prominent local dealer I was shown cigars which had been kept for several months, and were in just as good shape as when they were shipped from Manila."

"For an experiment, one box was opened which had been in stock for more than a year and the cigars were in perfect condition."

Takes Many Monthly.  
"Another thing which agreeably surprised me here, was the amount of cigars that Honolulu is bringing in from Manila. In one shipment coming from M. A. Gunst & Co. for instance, I am told that they will have 250,000 Manilas."

"If that amount, in proportion to the population, could be taken care of by the dealers in San Francisco and New York it would be a great boon to the cigar business in the Philippines."

"We have the largest and the best factories for the manufacture of cigars and cigarettes in the world, and we want our product to have the standing it should have in the markets of the world. We are all working to that end."

Our manufacturers are Spanish, Filipino and European companies in Manila, and they do not know all the requirements of the American trade as yet. I have made an exhaustive study of cigar conditions in the United States in the past few months, and what I have learned will be of interest and help to the manufacturers in the islands."

Well-Seasoned Tobacco.  
In speaking of cigarettes, Captain Cronwell told of the Insular Factory which makes a specialty of cigarettes. He said that the leaf used in the cigarettes manufactured by this company was kept for more than a year in the warehouses before it was made into the cigarettes which have taken the taste of Americans and foreigners in the islands and which all of them smoke."

Captain Cronwell is one of the old guard in Manila having gone to the islands in the "Days of the Empire" as a captain of volunteers and has been there ever since. He was associated with John F. Hard in the internal revenue work.

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simple and without cost, this entire irrigation plant and system."

"The bill has been carefully drawn to make possible a great public work which will in effect be a great public improvement for the island of Hawaii. The bill was very thoroughly discussed in Hawaii before its passage by the legislature, and in the form adopted it appears to meet the approval of all classes in Hawaii; no opposition whatever to the bill has been made by your committee. The interests of the public and of the Territory of Hawaii have been carefully safeguarded by the legislature in drafting this measure, and your committee herewith recommend its passage by the House."

## NOISES TROUBLE ALL THE JUDGES

Location of New Court Causing Pileup on Account of the Street Racket.

(From Thursday's Advertiser)

That the noise of the city streets interferes to no small extent with the conduct of the various courts since their enforced removal from the judiciary building was brought out yesterday by The Advertiser from the different judges in the circuit and federal courts. So great is the nuisance in the courtroom of Judge Robinson that he is to have a partition erected two-thirds of the way from the bench to the Alakea street side of the room, to shut off the various noises from trolley cars and automobiles. In order to help the acoustic properties of his courtroom several days ago he had piano wire strung back and forth from the top of the window casings, but this did not answer the whole purpose and now more drastic action is to be taken.

Judge Cooper is the only one in the old Y. M. C. A. who can get along in his present quarters. They are on the rear side and with but a short frontage on Alakea street. At federal courtrooms in Progress Block matters are not so bad as in the Y. M. C. A. courts, but even here there is disturbance caused by building operations on the new theater, and by trolleys when the windows of the offices on the Fort street side of the building are open.

At the police court the noise in the street in front is often the cause of suspending court temporarily while a bullfinch goes outside and reprimands an automobile driver, or loud talkers on the sidewalk in front.

What the Judges Say.  
"There is so much noise in my room here that I am going to put up a partition shutting off the windows on the Alakea street side of the building," said Judge Robinson.

"The trolley gongs, the cars crossing the Hotel street tracks and the automobiles in Beckley's garage make so much noise that we can't do anything here."

When Judge Whitney was asked how matters were in his courtroom he replied: "I can't hear a witness on the stand and that is only four feet from where I sit. All the windows on the Hotel street side have to be closed to get along in any comfort at all, and then it is far from perfect."

Judge Cooper: "My room is small and that has something to do with the better conditions here than in the other court rooms in the building. The only complaint made today was that the jury could not hear well when sitting in the Alakea end of the court."

In the federal court Judge Dole said that the noise from Fort street did not bother him in his office, which is on that side, but that if the courtroom was where his office is it would be impossible to do anything. "With the courtroom on the other side conditions are better, and the noise does not bother me at all while I am here in my office," he said.

"This courtroom is not ideal by any means, and I am disturbed by the noise of building the new theater a half-block away, and by the noise from Fort street when windows of the offices on that side are open," said Judge Clemen when his opinion was asked.

"It is not possible to get an ideal place, and I think this is the best that could be done, but the noise is troublesome. Late in the afternoon everything is much clearer in the courtroom and the voices carry much better than during the day time when the ordinary street noises are coming in through the windows."

"Then in a building in the city like this there is no place for a large number of witnesses in attendance on court or on the grand jury. At the old building they had plenty of room outside on the grass, but here they are in the corridors and in the way most of the time," he concluded.

PNEUMONIA.  
You are probably aware that pneumonia always results from a cold, but you never heard of a cold resulting in pneumonia when Chamberlain's Cough Remedy was used. Why take the risk when this remedy may be had for a trifle? For sale by Benson, Smith & Co., Ltd., agents for Hawaii.

An effort will be made by the Panama-Pacific Exposition Commissioners to have the historic Liberty Bell brought to San Francisco from Philadelphia for the 1915 fair.

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nue soon after its formation, and when that official retired from the government service two and one-half years ago to go into private business and accept the presidency of Spanish-Philippine Bank, Mr. Cronwell, who had been deputy collector, succeeded to the head of the bureau.

Captain Cronwell is a booster and his interests lie in the Philippines, which he calls "home."

Offered Nicaragua Post.  
While in the United States on the present trip and nearly ready to sail from San Francisco, he was offered a position to go to Nicaragua to take hold of the affairs of the country by the state department.

He replied to General Clarence Edwards, chief of the bureau of insular affairs of the war department, that he would much rather go back to the Philippines, but that if it was thought best he would take the new position.

General Edwards has been at the head of Philippine affairs in the United States for more than a decade, and he was much pleased that Captain Cronwell should be offered a position in the Philippines.

Captain Cronwell is accompanied on his trip to Manila by his wife and child.